

covering the polysilicon layer with an oxidation protection layer;

structuring the oxidation protection layer by photolithography to produce a mask covering a gate region and a field region of the transistor by etching the oxidation protection layer and uncovering the polysilicon in unmasked regions, causing the oxidation protection layer remaining over the field region to form a dielectric and the underlying polysilicon to form a first electrode of the capacitor;

converting the polysilicon of the polysilicon layer in regions freed from the oxidation protection layer into silicon dioxide by local oxidation and thereby structuring the polysilicon layer;

applying a further polysilicon layer with an inclusion of a remaining oxidation protection layer;

applying and structuring a photoresist mask to cover a region of the further polysilicon layer disposed above the field region for forming a second electrode of the capacitor; and

producing the second electrode of the capacitor by etching the further polysilicon layer in the unmasked regions.

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Remarks:

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claim 1 has been amended.

In item 2 on page 2 of the above-identified Office action, claims 1-10 have been rejected as being obvious over *Mai et al.* (US 4,445,266) in view of *Zdebel et al.* (US 4,837,176) under 35 U.S.C. § 103.

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 as amended calls for, inter alia:

converting the polysilicon of the polysilicon layer in regions freed from the oxidation protection layer into silicon dioxide by local oxidation and **thereby structuring the polysilicon layer;**

The Examiner stated in his *Response to Arguments* on page 4 of the Office action that "[a]pplicant argues that *Mai et al.* does not disclose converting silicon to silicon dioxide in

order to structure the polysilicon layer. In view of this argument the examiner would like to point out that, no where [sic] in the claim language is it stated that the polysilicon layer is to be structured by the formation of the silicon dioxide layer". Claim 1 was amended as to recite that the polysilicon layer is to be structured by the formation of the silicon dioxide layer.

For a more detailed discussion of the invention of the instant application, the cited prior art and how the invention of the instant application differs from the cited prior art, the Examiner is respectfully directed to the arguments in the last response.

It is accordingly believed to be clear that *Mai et al.* in view of *Zdebel et al.* do not suggest the features of claim 1.

Claim 1 is, therefore, believed to be patentable over the art and since claims 2-10 are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, the Examiner is respectfully requested to telephone counsel so that, if possible, patentable language

can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicant

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